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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,083	11/22/2000	Kenneth P. Fishkin	106695.01	5446

7590 01/12/2004
Oliff & Berridge PLC
P O Box 19928
Alexandria, VA 22320

EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/12/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,083

Applicant(s)

FISHKIN ET AL.

Examiner

Le Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,9-13 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment B, filed 10/20/03.
2. Claims 1, 9-13 and 19 are pending in this application; claims 1 and 19 are independent claims; claim 1 has been amended.
3. Due to Examiner's oversight, claim 19 has not been treated and, therefore, this action is made non-final.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5. Claims 1, 9-11, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randell et al. ("Randell", US 6,415,439 B1) in view of Paker et al. ("Paker", US 5,299,125).

As per claim 1, Randell teaches a method for inputting information to a device connected to a deformable piece, the method comprising the steps of manipulating the deformable piece to provide a first electro-physical input to the device, the first morpheme input normally triggering a first default action by the device, and asynchronously manipulating the deformable piece to provide a second electro-physical morpheme input to the device, with the second morpheme input converting the normally triggered first default action to a second action by the device, wherein the first morpheme and the second morpheme are speech coefficients (col. 7, lines 16-37; col. 11, lines 24-36). Randell does not explicitly disclose that the first morpheme and the second morpheme form a sentence; however, Paker teaches a method for inputting information

wherein a first morpheme input and a second morpheme input are speech coefficients and form a sentence (col. 21, lines 22-36). Therefore, it would have been obvious to an artisan at the time of the invention to include Paker's method for inputting information wherein a first morpheme input and a second morpheme input are speech coefficients and form a sentence to Randell's method for inputting information wherein a first morpheme input and a second morpheme input are speech coefficients in order to provide users with an intelligent system that is able to combine morphemes and cipher to produce a syntactically and pragmatically correct sentence.

As per claims 9-11 and 13, Randell teaches a method for inputting information to a device connected to a deformable piece wherein at least one of the first and second morpheme inputs to the device is based on detected light variations, thermal variations, electromagnetic variations and acoustic variations (col. 7, line 27 *light sensitive receptors/light variations*; col. 8, lines 42-47 *heat source/thermal variations*; col. 9, lines 16-25 *broadcasting signals/electromagnetic variations*; col. 12, lines 2-5 *microphone/acoustic variations*).

Claim 19 is similar in scope to claim 1 and is therefore rejected under similar rationale.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Randell et al. ("Randell", US 6,415,439 B1) in view of Paker et al. ("Paker", US 5,299,125).

As per claim 12, although the modified Randell and Paker teaches a method for inputting information to a device connected to a deformable piece wherein at least one of the first and second morpheme inputs to the device is based on detected pressure variations (col. 7, lines 25-28; col. 11, lines 25-26; *pressure receptors for receiving user input*), the modified Randell and Paker does not explicitly disclose a method for inputting information to a device connected to a deformable piece wherein at least one of the first and second morpheme inputs to the device is

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based on detected vibration variations. Official Notice is given that a method for inputting information to a device connected to a deformable piece wherein at least one of the first and second morpheme inputs to the device is based on detected vibration variations is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include detection of vibration variations to the modified Randell and Parker's detection of pressure variations as an implementation preference.

Response to Arguments

7. Applicant's arguments filed in Amendment B have been considered but are moot in view of the new ground(s) of rejection, except for the following:

Applicant argued:

Nowhere in Randell is the action of whacking the deformable piece to provide a morpheme input to the device disclosed wherein "whack" is defined as the application of a subregion contact or are contracted by an external object, causing an equal and opposite countering force.

The Examiner disagrees for the following reasons:

Randell does teach whacking of the deformable piece to provide morpheme input to the device wherein Randell's whacking is consistent with the specification's definition as the application of a subregion contact or as contracted by an external object (col. 7, lines 16-37; col. 11, lines 24-36; *wherein contact is made via receptors*).

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Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
January 7, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100